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Charity Organization Society...City of New York

The forgotten army

[New York]

[1918?]

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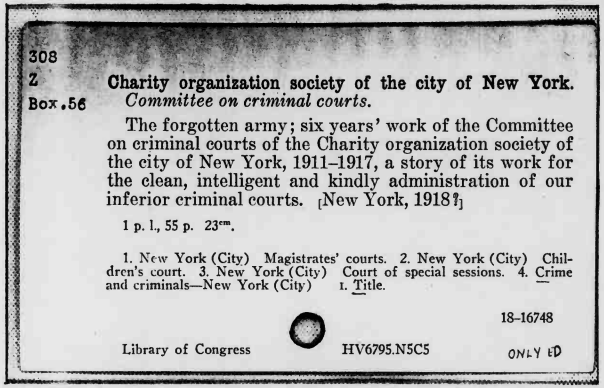

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Charity organization society of the city of New York.
Committee on criminal courts.

The forgotten army; six years' work of the Committee on criminal courts of the Charity organization society of the city of New York, 1911–1917, a story of its work for the clean, intelligent and kindly administration of our inferior criminal courts. [New York, 1918?]

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THE FORGOTTEN ARMY

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THE FORGOTTEN ARMY

SIX YEARS' WORK OF THE
COMMITTEE ON CRIMINAL COURTS OF THE
CHARITY ORGANIZATION SOCIETY
OF THE CITY OF NEW YORK
1911-1917

A story of its work for the clean, intelligent
and kindly administration of our
Inferior Criminal Courts

EARLY in the second year of the Great War America awoke in a wide movement for adequate national defense. The first large public demonstration was New York City's stupendous preparedness parade. From nine o'clock in the morning till nine o'clock at night troop after troop passed up Fifth Avenue until the best estimates had placed the number at one hundred and fifty thousand. More wanted to march but the day was not long enough.

At the same time that this great wave of patriotism and devotion to our national ideals was surging up the avenue, another procession, a never ending one, was on its slow and straggling march. It was a part of that constant stream of misery, misfortune, ignorance and vice that passes through our criminal courts at the rate of 240,000 cases a year. This procession is in dark contrast to the demonstration for patriotic public defense.

If some evil genius could, like a pied piper, draw together in one ordered review all of the 240,000 that frequented our courts last year and lead them up Fifth Avenue for us to view as we viewed our preparedness parade we would be appalled!

Let imagination picture the evil genius leading this procession. But let us observe the rank and file following brazenly or in shame, in evil abandon or in despair, in stumbling ignorance or with conscious evil intent.

At the head are those whom the press and the sensational character of their crimes have brought to

public attention. They have been drawn by our pied piper from the murderer's grave, from the steps of the electric chair, from the burglar's, the embezzler's, briber's and blackmailer's prison cells. They are only a few, but of the whole endless procession they are the only ones that have commanded public attention.

Our seat on the reviewing stand must be comfortable if we review the whole of this ill-starred procession, for it will last longer than from nine o'clock in the morning until nine at night. The first rays of the dawn of the following day will be breaking over the buildings on the opposite side of the street before the last troop will have passed before us.

As hour passes into each succeeding hour neither hunger, thirst, nor fatigue diverts us. We are fascinated by the spectacle. Here are displayed to us the fruits of evil purpose, recklessness, thoughtless mistakes, ignorance, bad heredity, social injustice, greed and vice. It seems the panorama of misdirected existence.

We have plenty of time to analyze each group as it passes by.

The second battalion is made up of a swaggering, reckless crew of petty disturbers of the public peace. Some have blood-stained shirts, others bandaged heads or bruised faces. They are the kind that 'know it all', that can be told nothing; some bear the marks of intoxication, others those of brute indulgence. They try judicial patience, they exasperate the police seeking to restore order without arrest. Some are good workmen, but always out of a job, some are worthless idlers, others are generally steady with sprees of lawlessness as their one luxury. There are men of all nationalities—a cosmopolitan brotherhood of lawlessness.

Here is a shame-faced troop among the rest. In a moment of annoyance or semi-intoxication they have lost control of their hair-trigger tempers. They are honestly sorry and are appalled by the first serious consequence of their moments of weakness.

Here are dogmatic, set-faced individuals walking two and two glowering at each other. An honest difference of opinion without the saving grace of humor has brought them to blows. Each will always think the other the offending party.

This division ends with a hilarious lot of youngsters whose animal spirits have brought them to the police station.

Now for nearly two hours the victims of intemperance pass by. The first that come into view are a respectable looking lot with all the marks of the law-abiding citizen. They are the ones who though otherwise good citizens have their yearly or monthly fling and for this once only have they brought upon themselves the disgrace of arrest for public intoxication. They are ashamed or boastfully proud of their escapades. There are the young, foolhardy boys. There are those over-confident fellows of all classes who have always boasted that they never got to the state where they couldn't get home. There are the honest workmen and mechanics who stayed one drink too long over the friendly bar on their way home Saturday night. They have sought in the saloons the diversion, companionship and entertainment denied them in their crowded, slovenly homes.

After half an hour the aspect of those in the procession gradually changes. The marks of dissolute and intemperate lives are shown in the physical unwholesomeness of features. Intermittent intemperance is

drifting into habitual dissipation. We are beginning to note the vacant, lack-luster eyes. Soiled collars, stringy neckties, a peculiar growing unkemptness of dress indicates to all but themselves how far they have travelled the path toward habitual drunkenness.

Then come the hopeless drunkards whom only dearth of money keeps from perpetual intoxication. There are those of self-willed debauchery whose reputable families have striven in vain to save from shame. There are the weak, the simple-minded, whose only strength is desire for drink. There are their stronger companions whose drunkenness is only a part of their many-sided sensuality. Last come the stragglers—unowned derelicts drifting from the park bench to the saloon, to the workhouse and back; incoherent in speech except when begging for a drink. In the haze of their painracked and dulled sensibilities they have arrived at the absolute of intemperance and self-indulgence—their final goal.

We have watched this long weary procession of drunkenness—brought here by chance, by bad associations, by weakness, by sorrow, by overstrain, by idleness, by losses, by over-confidence, by choice or by ignorance. The division ends.

But who are these following? The shifty eyes, the sleek, cunning hypocrisy of bearing reveal the schooled criminal with conscious evil purpose. They are the pickpockets and the 'jostlers'. These wolves of the crowds make their living from the money snatched out of women's handbags or cunningly cut or filched from men's persons.

In close association with the pickpocket comes the burglar, the thug, the gangster, that new product of

our slum frontier. Blustering, over-confident in their bullying and swaggering bravado or slinking meanly along, reflecting the nature of their exploits, they pass before us. Some are old in crime plainly showing the marks of prison service. It has obviously not gone well with them; they look cowed and hopeless. Others with a measure of success have 'beat' the game and still walk with reckless confidence.

Following are the young disciples in wrongdoing. They are graduates of the street corner and cheap club room schools of crime. Their ignorance and idleness more than their perversity have been their undoing. There is much of good in them yet; they have started wrongly. Right influences might put them right.

The assortment of irresponsible individuals that from now on for nearly an hour claims our attention has joined the procession through the doorway of the Domestic Relations Court. They are wife deserters and non-supporting fathers. Also among the number can be found a smaller group of sons and daughters who have forgotten or ignored the duty resting upon them to care for their aged parents.

Many of these men, weakened by indulgence in drink or lust or simply discouraged by unemployment or sickness in the family, have grown insensible to the moral and legal obligation resting upon them for the maintenance of their wives and children or their fathers and mothers until at last their dependents, driven to the point of desperation, have appealed to the court for relief. Many of these men love their families but have simply become careless and selfish.

Then follow those whom jealousy of other men, justly grounded or unjustly alleged, has given the excuse for

shirking the family responsibilities. Some are honest-faced fellows whom cankering jealousy has driven to desertion as a last resort. Their faces are bitter, disillusioned, sorrowful. They are willing to support their children but their manhood revolts at harboring an unfaithful wife.

The next troop, a body of substantial looking business men, are surprising to us. They hardly look like criminals. They are property owners brought to court by inspectors of the Labor Department and other departments having to do with safety of buildings for factory workers. They are the owners of properties that have by recent legislation required alteration to make them legally safe and fit, or men who in erecting buildings have failed to comply with the law's requirements. Most of these are honest, well intentioned citizens with no criminal intent who often correct the errors before the court finds it necessary to exact punishment.

Following are some who for the most part are honest, respectable looking folk. They are men of all ages, youths and women, largely foreigners. They are violators of petty ordinances. They are those who have been found littering up the parks with papers, women who have let their dogs loose in the parks, youths and those of older years who have torn branches from trees or shrubbery.

Others are janitors and janitresses who have violated some street cleaning or health ordinance like mixing garbage in the same can with ashes. Here is a troop of foot-sore Italians and other poor laborers who in their over-thriftiness have used street car transfers illegally. Here is a crowd upon whose faces indignation and shamefacedness are rivals. They have been called

to court for spitting on the sidewalk or in the subway on a Health Department clean-up campaign, or summoned to court for smoking in the subway. There are many more of these petty offenders. The individual cases are petty and their arrest may seem oppressive. It is, however, a necessary part of the machinery that makes the city clean, safe and habitable.

Next to follow are the twelve thousand children who have passed through the Children's Court during the year. They are as other children though on the whole more poorly clad and a large number of them look underfed. Some appear mentally deficient and dull. There is the newsboy type, the street urchin, the crowds of incipient gangsters, the slouching listless ones, girls with brazen, devil-may-care faces, others tragically weak—all children, but some are schooled in hard experience beyond their years. Some are incipient criminals; about half are simply unfortunate in being without proper guardianship or parental supervision. These crowds of children are the early harvest of bad environment, heredity, misfortune, ignorance, criminality and neglect. As they troop by us we can almost see the weight of the tremendous handicap on their slight shoulders.

A band of about three thousand vagrants follows in whose numbers are the poor old helpless creatures that go mumbling about the streets for money, for bread and a ten-cent lodging. Some show marks of former respectability. Then there are the fakirs, hardy looking individuals whose distorted psychology makes it easier for them to beg than to work. A number have false bandages or shamelessly display some infirmity, deformity or bodily injury for sympathy. There are

the unclean looking habitual frequenters of the bread lines and the denizens of the lowest depths of degradation and poverty. They beg or pilfer from garbage during the day and resort at night to the foulest back rooms of saloons where they spend what they beg, sleep in chairs in the stale, vile smelling dark corners with sawdust-covered floors. They haunt the frequenters of the bar like flies or roaches, begging drink, picking up cigar stubs and drinking dregs.

A small body of unnatural creatures attract our attention. We note the ashen face and glassy eye of the drug fiend, the effeminate mannerism of the sex pervert, the fantastic movements or the dumb stolidity of the insane. The sight is unpleasant and we turn away.

The beefy, substantial looking crowd that follows has been brought to court by the Health Department for violating health regulations. A number of them have been found selling food unfit for human consumption. There are wholesale and retail merchants and representatives of food corporations used to sharp dealings. Some have deliberately endangered the public health for profit. There are the butchers, the poultry dealers, the fish mongers, the wholesale and retail fruit men, the keepers of small stalls, milk stations, pushcart peddlers—a cosmopolitan representation of unscrupulous merchants. In company with these are the cheaters in weights and measures, those robbers of the poor—coal dealers, grocers, produce merchants, meat dealers that fatten on petty dishonesty. Their meanness shines out through their beady pig eyes.

The gambling-house keepers, disorderly hotel proprietors, the runners for disorderly houses, the panderers

and creatures that live off the proceeds of prostitution follow after. They vary in type. There are the purple-faced, watery-eyed brutes, the sleek, bediamonded, plump-faced fawners, and the oily-haired, sallow-faced creatures—all shameless in their vicious business.

Hour after hour the procession has gone on through day and into night until dawn is breaking. As the last of the file of men winds past, the tired mind fancifully pictures these creatures as the many-sided personalities of vice slinking away before the light of day. But the procession does not end here.

Down the street emerging out of the shady mists of lifting darkness come the ranks of the women offenders. There are the painted and be-feathered women of the streets and keepers of disorderly resorts, insolent in their display of shamelessness.

The habitually drunken women in their train are as revolting as they are pitiable. Some are ravingly delirious, some are repulsive in their filthy unkemptness, others are semi-respectable. There are women and girls of low mentality, the feeble-minded with little moral responsibility.

At the end are the girls and young women who have fallen for the first time. There are the headstrong and willful, the foolish and easily led—girls that should be saved from their own destruction. There are the unfortunate, the ignorant, those pinched by poverty that need protection and help.

In our imagination we have pictured as in a procession the criminals, petty offenders and youthful delinquents that annually filter through our criminal courts. We might picture them again as a segregated community—a city gone wrong—for if they were all segre-

gated in one place they would make a community as large as that of the third largest city of our State.

But they are not segregated. They are a city within a city here in our great metropolis.

Their lives are closely interwoven with the lives of others. Their wrongdoings, their offendings, their crimes may affect the lives and property of all or any of us. In the marvelously varied and complex waves of influence they have their part—infinitely hard to trace but ever present and potent.

The Courts of the Poor

What are these tribunals that determine the fate of this vast horde of people?

The Magistrates' Courts, formerly known as the police courts, are the courts to which must come in the first instance every case of violation of the criminal statutes from murder to the most petty offense. If the charge is a felony, that is, an offense the consequences of which are so serious that the offender must be given a jury trial, the magistrate must determine if there is enough evidence for the case to be held for action by the Grand Jury and trial in the Court of General Sessions. If it is a serious misdemeanor similarly it is held for the Court of Special Sessions. In all other offenses, which constitute seventy-five per cent. of the entire number of cases, the magistrates of the police courts have final jurisdiction. Their decisions are therefore the final judgment for the large majority of the poor, miserable and unfortunate individuals that come before them.

The Children's Court handles yearly the twelve thousand or more cases of children under sixteen years of age.

It is the Magistrates' Courts, the Court of Special Sessions and the Children's Courts—these tribunals of the poor—which are generally known as the inferior criminal courts.

This name is a misnomer for they are inferior only in the fact that they do not try felons—those who have committed the major crimes that demand trial by jury. They are fundamentally the more important in that they handle the great bulk of the criminal and semi-criminal population. They come near to the lives of those in trouble, the ignorant, the misguided and the unfortunate.

The Conditions Ten Years Ago

The court system that has handled this vast number of delinquents seems to have been like Topsy. It just grew. The old Justice of the Peace Courts fitted to rural districts were multiplied and enlarged in a hopeless patchwork way to meet the needs of a great metropolitan city.

They were the prey of politicians.

Their administration was so notoriously bad that a February, 1907, number of a popular monthly magazine had as the title of its leading article, 'The Farce of Police Court Justice in New York'. The sub-title read, "Magistrates, Lawyers, Ward Heelers, Professional Bondsmen, Clerks of the Court and Probation Officers join to Make a Mockery of 'The Supreme Court of the Poor'." The conditions described were shocking, a tragic burlesque on real justice.

Throughout the city were scattered the district police courts. No one was particularly interested in the petty criminals and unfortunates whose fates were decided

here. They became the easy prey and rich field for plunder for the corrupt politicians. Under the cover of public indifference the poor, the unjustly accused, the unfortunate, the weak and frightened were shamefully exploited.

The shyster lawyers hand in glove with the clerks and the police attendants wrung from the distracted inmates of the detention pen the last dollar they possessed. In some instances the ward politician went over the calendar each morning to designate those who were to be protected by his benign favor.

The general atmosphere of the court room was that of vulgar, corrupt oppression. The beefy policemen assigned to these sinecure court jobs through influence intimidated the respectable citizen, the timid, the ignorant and the criminal with the same rude incivility.

The trials were shameful in their lack of dignity and fairness. Often the accused was an entire outsider to the whole proceeding, being unable to hear what was said against him and not given opportunity to say anything in his own defense.

The courts were wretchedly housed in miserable and generally very noisy quarters.

There were no adequate records kept, no means of determining the old from the first offenders. The probation officers were policemen with scarcely a notion of what the word probation meant.

Into these crowded, unwholesome courts every morning were drawn as in a vast net hauled from the depths of the underworld, the prostitute, the thug, the drunk, the pickpocket, the pander and their like. Together with these were herded the poor, ignorant, unfortunate violators of petty ordinances, the misguided first offenders, the unjustly accused, the respectable citizens, the poor forlorn women with their children seeking redress from deserting husbands, young, wayward and unfortunate girls and boys over sixteen years of age.

It was an outrage to respectable people, a shameful wrong to the unfortunate and the ignorant, and general injustice and unfairness to all.

The Charity Organization Society Acts

A few citizens had been conscious of these evils for some years, and in 1907 the Charity Organization Society was urged to take up the reform of these courts as one of the chief undertakings of its newly created Department for the Improvement of Social Conditions.

The suggestion met with approval and that year a bill was prepared and introduced in the legislature calling for the appointment by the Governor of a Commission vested with full power to investigate the workings of these Courts in all their ramifications. Owing to political opposition the bill was not successful.

The Page Commission Appointed

Notwithstanding the fact that it was stated that no change in the existing situation could be accomplished so long as the personnel of the magistrates and judges remained as it was—and that it was hopeless to expect to secure such legislation so long as political parties had the roots of their power in these courts, the year following the bill was reintroduced and after a strenuous campaign its passage was secured. As enacted, the Commission was to consist of two Senators, three members of Assembly and two citizens to be appointed by the Governor. The personnel of the Commission was

Alfred R. Page, Chairman, Thomas F. Grady, James A. Francis, Charles F. Murphy, Alfred E. Smith, members of the legislature, and Bronson Winthrop of New York and John Alan Hamilton of Buffalo from outside the legislature. Judge Julius M. Mayer was appointed as counsel to the Commission.

For two years this Commission held hearings and gathered facts regarding these courts, submitting their final report to the legislature in 1910. With it they submitted a bill embodying the changes recommended. This was enacted into law and is known as the Inferior Criminal Courts Act of 1910.

With this Act the Commission went out of existence.

The New Law Governing the Courts

The new law provided for sweeping changes in the administration of the courts. In the Magistrates' Courts it provided for centralized administrative control through the appointment of a chief magistrate; for the reorganization of the court rooms and procedure; for the removal of the police attendants and police probation officers and the substitution of civilian attendants and probation officers and for a real probation system under a chief probation officer. Similar changes were made for the Court of Special Sessions and for the Children's Courts.

Many of the requirements of this new Page Law, as it was called, and many of the Commission's suggestions were of such character as to require much study, planning and adjustment before they could be put into effect.

Nor was the Page Law perfect. It was looked upon by its drafters as a beginning. They recognized that the new organization would bring to light other defects.

This beginning made by the Page Commission and the passage of the Page Law pointed toward the ideal of a scientific, dignified and kindly administration of the criminal law.

The Committee on Criminal Courts Organized

The Charity Organization Society felt that it must follow up what had been begun and therefore organized the Committee on Criminal Courts as a part of the Department for Improving Social Conditions, for the purpose of seeing that the reforms advocated by the Page Commission were carried into effect and of bringing to the support of this work a strong body of public opinion.

The keynote of the work of this Committee from the start has been sympathetic cooperation. Its purpose has been to aid in carrying into effect the spirit as well as the letter of the Page Commission's report and through scientific study and cooperative effort to bring about such other reforms as would help measurably to improve the courts.

The Russell Sage Foundation, impressed with the importance of this work, made a generous appropriation for its support. In the fall of 1910 the Committee organized with an executive staff and began its work. At the end of six years it may be interesting to look back at its accomplishments.

Its work has been so intimately associated with the endeavors of high minded and zealous court and administrative officials and other public spirited citizens that it must be borne in mind that what has been done is the accomplishment of all working together in a common cause; for without the helpful and sympathetic

cooperation of others the efforts of the Committee would have gone for naught.

Too much cannot be said of the unselfish and untiring work of the Chief City Magistrate and other members of the Board of Magistrates and the Presiding Justice and his associates on the Children's Court bench. It has been a privilege to the Committee to have had its share in helping them to determine the best means of reform and in aiding them to put them into effect.

Holding the Gains that Had Been Made

The Committee's constructive work had hardly gotten well under way before it was called upon to bend all its energies to save what had been accomplished by the Page Commission and by the passage of the Page Law.

The Commission had worked so quietly and the law had been passed with so little publicity that the politicians were not aware of the full import of its changes. So effective did the measures of reform loom up when the reorganization began that, to save these courts as preserves for political plunder, emergency measures were resorted to. The first measure was no less than a general 'Ripper Bill' to legislate out of office all of the existing magistrates and justices and substitute for them new judges not to be appointed by the Mayor as heretofore but to be elected by districts. Thus, at one stroke, the bill not only undid all that the two years' work of the Page Commission had sought to accomplish, but went further to plunge these courts once more into the lowest depths of ward politics. As an incident it involved the abolition of the Night Courts and the Domestic Relations Courts, two of the special courts that had been especial features of the new law.

Ripper Legislation Defeated

The fight to defeat this bill was a hard one. The Committee enlisted the interest and support of public-spirited citizens and informed the general public of the critical situation. After a difficult and harassing campaign the bill was defeated.

So tenaciously do the politicians hold to the hope of restoring to their fold the patronage of these courts that nearly every year since, the Committee and the magistrates have had to watch for and fight similar legislation.

The Legislative Watch

Nowhere is eternal vigilance more necessary than in keeping informed regarding proposed legislation affecting these courts in each legislative session. The Committee has found it necessary to watch from a dozen to more than a hundred bills in each session to prevent a diversity of legislation ruinous to the good that has already been accomplished. Some of these measures are viciously bad, others are crudely drawn and ill considered, others are introduced to serve a passing popular fancy. In each session the Committee scrutinizes each of these bills and carefully weighs its effect on the court system and brings its influence to bear on the side that will work for what its knowledge and experience shows to be the best interests of the courts.

Progress in the Magistrates' Courts

When the Page Law went into effect Mayor Gaynor appointed a Chief City Magistrate for Manhattan and the Bronx. The task before him was a difficult and trying one. He had first to organize a central bureau of

administration, to reorganize and standardize the administration of the district courts, to supplant the police attendants and police probation officers with civilian attendants and probation officers, to do away with 'the bridge' in the court rooms and its attendant, unfair and archaic court proceedings. Aside from this he had to organize into an executive body the board of magistrates who heretofore had taken little if any responsibility for the administrative machinery.

In the midst of all this reorganization the daily business had to go on uninterruptedly. No increase in staff was given to him temporarily so that he and some trusted helpers could devote themselves exclusively to the business of reorganization.

Reorganizing the Record System

The organization of the Committee on Criminal Courts was timely. Their proffered services were gladly accepted. The staff of the Committee immediately set to work to help. The first and most essential step in the reorganization and standardization of the district courts was the establishment under central administration of a record bureau.

The court records were in a chaotic condition. There was no centralized control—no checking up. In fact it would have been quite impossible to have given anything approaching an accurate statement even of the number of persons arraigned and convicted in the courts. There was no central place where the previous court record of a person convicted could be had.

A proper system of records centrally controlled was essential to any constructive work. The Committee set about to help develop such a system. After careful study of the situation the Secretary submitted a carefully planned scheme for a comprehensive record system. It provided that for each case arraigned in the district courts throughout the city a card be sent to the central office and there properly filed for ready reference and as a basis for statistical compilation for the annual report of the courts. These cards contained the important facts regarding the defendant and the offense committed.

The courts gladly adopted the plan so carefully worked out and the Committee helped to secure for them an appropriation of $12,000 from the city to provide the necessary staff and equipment.

From this original basis the statistical bureau has steadily developed in usefulness and value to the courts until in 1915 with the merging of the two divisions, the bureau of records made statistical compilation for approximately a quarter of a million arraignments.

Seeking a Standard of Justice

In the Magistrates' Courts the judges sit alone. In interpreting the law, in adjudging guilt or innocence, in imposing measures for punishment or reformation there was no check on the individual magistrate. It was common knowledge that in the dispositions of the hundreds of thousands coming before these men that justice often bore the marks of the personalities and peculiarities of the various magistrates. Certain magistrates were known as 'easy' magistrates, others as 'hard' ones.

In 1913 the Committee urged and secured an amendment of the law so that cases could not be jockeyed from one court to another in order to come before one of the 'easy' magistrates.

The magistrates often did not know their own peculiarities as compared with their colleagues nor was it known with what classes of offenses certain magistrates were particularly lenient. In fact, no one knew whether there was any standard of justice, or, if such standard existed, what magistrates followed it.

The establishment of the central bureau of records made it possible to study the work of the individual magistrates. After the system was well established the Committee, with the cooperation of the Chief City Magistrate, set about to make such a comparison.

The variation in dispositions of cases by the several magistrates sitting in the Women's Night Court was first studied. A great divergence of action by different magistrates on similar cases was found. The graphic presentation to the magistrates of this divergence was such a help in bringing about a standardization of judicial methods that it was determined to make similar analysis of the work of all the magistrates of Manhattan and the Bronx. These tabulations were done with great care and the figures were illustrated graphically. The magistrates were greatly impressed with the value of these statistics and they were included in the annual report of the courts.* Since then such presentation has been regularly included in the report of the courts of the entire city.

The charts showed that each magistrate was a law unto himself. All sat in the same courts, all handled a class of offenders that was fundamentally similar in the main; but there was tremendous divergence in treatment. One magistrate discharged slightly less than six per cent. of the cases brought before him on

*Note. See Annual Report, Magistrates' Courts, 1st Division, year 1914.

charge of vagrancy and convicted the remainder, while another handling a similar class of cases discharged nearly eighty-two per cent. of them. One suspended sentence in not one case convicted of public intoxication while another suspended sentence in seventy-two per cent. of the cases convicted.

This does not necessarily mean that the first magistrate is right and that the other one is wrong, or that one is careful and painstaking and the other careless and easy-going. It means that their viewpoints differ fundamentally and that each would benefit by knowing what the other and his colleagues are doing. By giving the magistrates this means of studying and comparing their work they undoubtedly will arrive at a more just and unbiased flexible standard of dealing with cases. There will be more uniformity of treatment of similar classes of offenders and in the end justice will be better served. This is pioneer work in the scientific analysis of the results accomplished by our courts.

It may be urged that there should be no uniformity in handling different offenders who commit similar offenses and that any standardization will result in a rigidity of method which will not meet the peculiar characteristics of individual cases; that as no two cases are absolutely alike it is undesirable to create a set standard in dealing with them. The Committee's tabulations do not set forth any arbitrary path of procedure for each case. They simply display any unconscious differences of general policy among the magistrates so great as to hurt the work of the courts as a whole. It does not stand to reason that a thousand cases of any offense handled by one magistrate during a year can differ so radically in the aggregate from a thousand of

the same class handled during the same period by another magistrate as to warrant the one magistrate's discharging seventy-five per cent. of his thousand and the other's discharging only five per cent.

What a chart showing such extreme differences of policy does is to give each magistrate a perspective of his own work from the viewpoint of that of his colleagues and to enable him to see where he is in general too lenient or too severe and so adapt himself in the future to the normal standard of the others. One needs but to consider that yearly approximately 240,000 cases are arraigned in the Magistrates' Courts of the city to appreciate the far-reaching effect of this standardization of justice. Truly it is of fundamental importance.

First Offender and the 'Repeater'

The repeated offender is a great problem for the courts and the community. The community should be protected from him and he should be given punishment or treatment best suited to correct the habits of delinquency and criminality.

The old recipe for rabbit pie—first catch the hare, holds good here. The courts cannot deal with these 'repeaters' properly until they are known. Similarly the court cannot treat the first offenders with the leniency and consideration best adapted to prevent further delinquency unless they can be differentiated from the others.

Habitual delinquency has no outstanding earmarks. A clever crook often simulates sanctified piety or injured innocence to the complete deception of the court. Names may be changed at will. There are many courts and many magistrates. An offender may pass off in

many different courts before as many different magistrates as a first offender without recognition. The fingerprint record is the only certain way of identifying the previous offender. An individual may change his name, his appearance and dress, but he cannot change his fingerprints. The record is accurate and infallible.

Establishing the Fingerprint System

The Page Commission recognized this. The Page Law provided for the fingerprinting of convicted prostitutes. This was begun in 1910.

It worked so well that in 1913 the Committee secured legislation extending it to other classes of offenders. This legislation compelled the fingerprinting of persons convicted of public intoxication and vagrancy and allowed the fingerprinting of such other offenders as the Board of Magistrates might agree upon.

This required the use of fingerprinting in all the district courts. It could not be done without a staff of experts, equipment, and a properly organized system.

The staff of the Committee helped to devise a system for the taking, classification, duplication, and interchange of fingerprint records of persons convicted throughout the city. It helped to secure provisions for fingerprint experts, equipment for taking prints and filing records and developed a carefully thought-out administrative system. Under the system that was so organized, when a person is convicted in any of the courts his prints are sent to the central bureau. Here sufficient photographic duplicates are made to supply one copy for each district court. By this method each court has a complete up-to-date file of all fingerprint records taken in all the courts of the city. Now, with

the exception of a few of the outlying courts, within the space of five minutes after conviction the magistrate in any court is enabled to have before him the record of any previous convictions in any other court in the city.

Extending the Fingerprint System

The system was first developed in Manhattan and the Bronx and has been extended to Brooklyn since.

The files already contain a comparatively complete census of the 'repeaters' among the classes of offenders of which fingerprints are taken. There are many records of persons with from five to twenty convictions. A typical example of this is the case of the person arraigned for public intoxication on the 22nd of July, 1913, in the Third District Court before Magistrate Herbert under the name of Nellie O'Connor. Since this date up to April 19, 1916, this same woman had been arraigned nineteen additional times under eight different names in three different district courts and before nine different magistrates. With any other system than the fingerprint system it would have been impossible to identify her each time as the same woman. It is of great help in committing to the Parole Board, and if farm colonies for women and vagrants ever materialize the magistrates will be able to tell who are eligible for this more or less permanent custodial care.

The magistrates have extended the system to include the following offenses in addition to intoxication, vagrancy and prostitution: Disorderly conduct, jostling, soliciting alms, mashing and degeneracy. The Chief City Magistrate is the authority for saying that

due to fingerprinting of 'jostlers' the city has been practically rid of pickpockets.

As the Committee worked from year to year on the administrative organization of the Magistrates' Courts, it became apparent that further legislation would be necessary in the same direction as the original Page Commission report and the Page Law had pointed out.

A Single Board of Magistrates Created

The Page Law had organized these courts under two distinct organizations with separate boards of magistrates and chief city magistrates, the First Division comprising Manhattan and the Bronx and the Second Division comprising Brooklyn, Queens and Richmond. As the administrative machinery of these two separate divisions grew, there came to be a greater and greater divergence in administrative methods. It was not possible to have the close correlation and cooperation between the two divisions that was for the best interests of justice throughout the city. Each division had its separate bureau of records and the courts of the respective divisions did not automatically get a defendant's previous records for the entire city. A striking example of this was given when a prostitute who had been arrested thirteen times in Manhattan was later arrested in Brooklyn and discharged as a first offender. There had grown up also a great divergence in the probation system. There was little interchange of records and no unity or standardization of methods.

The Committee was able to secure legislation that provided for the centralization of all of the Magistrates' Courts under one Board of Magistrates. It was this legislation that enabled the magistrates with the Com-

mittee's help to extend the unified fingerprint system, record system and probation system throughout the city. The details of this work have not all been completed. However, sufficient has been accomplished in this direction to show the great wisdom of this step of centralization. Even those who most stubbornly opposed the change now recognize the benefit of it and are enthusiastic in endorsing the change.

Additional Jurisdiction for the Magistrates

As the Committee went about the courts and studied closely their administration it found that in a great many cases of a very trivial nature daily coming before the magistrates they did not have the power to dispose of them summarily, but were compelled to hold them for a second trial before the Court of Special Sessions. This seemed to be an unwise procedure because in most of these cases the defendant as well as the complainant would have preferred to have the case disposed of then and there rather than be put to the hardship and inconvenience of a second trial.

Such trivial offenses as leaving a pickle barrel uncovered, of mixing the garbage with ashes, had to be handled in this manner because technically, according to the statute, they were misdemeanors. The law provided that misdemeanors might be tried only by a Court of Special Sessions. The magistrates did not have Special Sessions powers.

The Double Trial

The Committee felt that great hardships resulted from such a system and that something should be done to remedy it. It, therefore, made an exhaustive

inquiry into these conditions. The staff studied the number of these cases in the Magistrates' Courts covering a three-months' period of time. It then followed these cases through their history until disposed of by the Court of Special Sessions.

Legal 'Red Tape' Oppressed the Poor

The findings were a revelation. It hardly would be believed that through carelessness and thoughtlessness a great community could be the means of so much petty oppression as the facts showed. It was found that great hardships did result. It was revealed that on the average every day the Court of Special Sessions acquitted or let go without trial, because of insufficient evidence, one person who had been held in jail over a week, and that on the average every year nearly 800 persons were thus deprived of their liberty for periods ranging from three to twenty-one days in length. In general, the persons so treated and so committed had not been accused of a crime that would warrant even so great a measure of punishment had they been found guilty. Some of the offenses committed were no more serious than that of a thrifty foreigner using a transfer illegally. The imprisonment of this great number of persons for this length of time was not inflicted upon them because of their alleged violation of the law but because they were too poor to get bail. Those having money or friends escaped. The poor and the friendless were imprisoned. It was what they got for being poor!

Such treatment meant not only a few days' humiliation and hardship in jail, but it often meant jobs lost and unemployment when released. In many cases it

meant families deprived of bread and a whole future jeopardized.

The Waste and Unfairness of the Double Trial

This procedure was as unjustifiable from the economic point of view as from the humanitarian standpoint. The duplication of trials was sheer waste of time of court employees. Policemen, city inspectors, citizen complainants and witnesses had to spend days in court when an hour would have sufficed.

The system often resulted in miscarriage of justice. Witnesses were bothered too much and often refused to appear on second hearings. Consequently, real criminals often escaped conviction.

The Evil Remedied

After finding the extent of the evil the Committee set about to remedy it. The remedy was very simple, but difficult to secure. It proposed legislation to give the magistrates powers of the Court of Special Sessions to dispose of these petty misdemeanors. This amendment was included in the Committee's general reorganization bill of 1915 introduced in the legislature by Senator Mills. After a strenuous campaign against entrenched and bitter opposition this bill was passed.

For more than a year now the system has been working with excellent results. Cases are handled with all the safeguards of justice required. The defendants or complainants if they choose may still have the cases tried before three judges in the Court of Special Sessions. That they seldom do elect to have the trial is proof positive of the wisdom of the Committee's plan. During the first complete year after the change over

5,000 such cases were tried by magistrates. It would be difficult to say how many of this number would have been unable to give bail and would necessarily have been imprisoned awaiting a second trial. In all of the cases much annoyance, waste of time and duplication of work has been avoided.

Additional District Court Organized

The very rapid growth in population on the upper west side swamped the Harlem District Court with business. Some days as many as 300 cases were brought in for disposition. It was patent that something must be done to relieve the situation. The Committee made an exhaustive inquiry into the territorial distribution of cases and in 1913 a new court district was formed upon request of the Board of Magistrates and a new court was established on the upper west side at 166th Street and St. Nicholas Avenue.

In the effort to procure this court the Committee's statistical study gave effective aid. It showed the necessity for the additional court and pointed out the most advantageous location for it. The staff supported the request for the court and aided in the plans for the building.

Court Buildings

Coordinate with the development of the organization of the courts from the administrative side the campaign for better court buildings has been waged. The Page Commission found the Magistrates' Courts as a rule housed in miserable, unsanitary, noisy quarters badly arranged for the transaction of the business of the court. The same conditions prevailed when the Com-

mittee was formed to lend a helping hand in bettering things.

No one who has not fathered a project for a new building, to be erected by city funds, from its original plans through to its completion can have any conception of the tedious, discouraging process. The changes in the plans themselves and the changes in the minds of the officials are legion. Appropriations are made and withdrawn and made again only to be held up by unaccountable delays and unlooked-for financial crises. Such has been the experience of the Sub-committee on Buildings who with the Chief City Magistrate has worked so persistently and patiently to get a suitable court building for the Third District Magistrates' Court located in the heart of the East Side's foreign population.

The Old Essex Market Courthouse

When the Committee began its work this court was housed in the old Essex Market Courthouse. This building was an open disgrace. In speaking of its sanitary condition the Chief City Magistrate has often said that the only thing that kept the court staff and those who frequented the court from destruction by the infectious germs and vermin was that these bacteria and parasites were there in such legion and variety that their deadliness was neutralized in a warfare among themselves for room for existence.

A Model Courthouse Planned

Obviously, something had to be done. While plans were being developed for a new court building, the court was moved to the best available temporary quarters

in the neighborhood. Cooperating with the Board of Estimate plans were perfected for a building to house a district prison and the district municipal court as well as the Magistrates' Court. It was sought to provide model accommodations for the Magistrates' Court and the prison. While the plans were being perfected a financial crisis overtook the city and money was not available for this monumental building. Not daunted by this disappointment the Committee sought out ways by which the court might be adequately housed within the limited funds available. It proposed the erection on half of the site available for the original plan a building to house the Magistrates' Court alone. The plan of this building was so carefully worked out that it will serve as a working model for district courts to be erected in the future. This modified plan met with the approval of the financial authorities of the city and $150,000 has been appropriated for the building, leaving $150,000 available for other purposes. The Secretary of the Committee has proposed that the money saved be used for a much-needed Domestic Relations Court building. The plans for the East Side Court are approved, the money is now available, and the architects have completed the working drawings and contracts are about to be let. This building, which will be a model of its kind, is the outcome of much careful and patient work and there seems no reason now why within a year the building will not be completed and ready for occupancy.

In similar manner better quarters were secured for the Domestic Relations Court and the Sixth District Court on East 57th Street.

The quarters for the Domestic Relations Court are still hopelessly inadequate and the Committee is now endeavoring to secure money for a new building to be built out of the money left over from the original appropriation for the East Side Court building.

General conditions have improved in other court buildings, but as yet the Magistrates' Courts are as a whole badly housed. This is particularly true in Brooklyn. In the future the Committee must devote much energy in seeking better quarters for these courts.

SPECIAL COURTS

Women's Night Court

In discussing the question of prostitution, the Page Commission's report of 1910 said:

No subject of greater difficulty is presented to the police authorities, the magistrates, courts and departments of Charities and Corrections than that of prostitution.

Women of this class are arrested upon various charges—such as vagrancy, soliciting for purposes of prostitution, disorderly conduct, violation of the Tenement House Law, etc.

It is practically impossible to obtain accurate statistics on this subject. . . The magistrates differ widely as to the disposition of such cases. . . At present, some magistrates pursue a practically consistent course of sending these women to the workhouse. Others quite as consistently impose fines, and others discharge, while nearly all place on probation some cases which suggest in their opinion possibilities of reform. . .

If a young woman is committed to the workhouse or county jail, she is thrown into association with older and more hardened offenders. Often she returns from imprisonment to find that what little possessions she had have been stolen or have disappeared. Her incarceration has done her no good, for if it be her first imprisonment she is detained but five days. She has no opportunity to learn a useful occupation, and she returns, perforce, to her previous method of living. If she is fined, she must in some manner earn the money thus lost by the fine, and she earns it in the same way as before and possibly, also by thievery.

On the other hand, if she is discharged, she becomes defiant and plies her occupation the more flagrantly upon the public thoroughfare. The cumulative sentence, as applied to prostitutes, works most inequitably. . . This condition has largely arisen because of the almost complete lack of any system of identification of the Magistrates' Courts.

We believe that the first step in the combating of this problem is an accurate and ready means of identification.

By the establishment of the night court for women, it will be possible to install at that court an efficient system of identification.

With the reorganization of the courts under the Page Law the Night Court was established with the fingerprint system for identification of previous offenders as suggested by the Page Commission.

The Social Evil Court Established

The Committee worked in cooperation with the Chief City Magistrate in making plans and securing legislation which centered all the prostitution cases in this Court, making it the social evil court of the city. Four magistrates were assigned regularly to sit alternately here. They have become specialists in this work and a uniform and consistent policy of treatment of this class of offenders has been developed with a flexible scale of certain fixed penalties for the repeated offenders

and more lenient and constructive programs for dealing with the first offenders and the reformable girls.

Fines Abolished as Punishment for Prostitution

In the past, fining had been considered a proper punishment for women of the street. The Committee pointed out the inherent viciousness of this practice. A pander or procurer generally paid the fine and the girl went out on the street again to get the money to pay her debt. Gradually, the magistrates assigned to the Night Court were induced to abandon this sort of punishment. In 1913 the Committee secured legislation prohibiting fining altogether as a punishment for prostitution.

Other radical changes were made in the law.

The cumulative sentence law with all the evils pointed out by the Page Commission was abolished.

Often the magistrate wished to have further facts before finally disposing of a defendant after she had been convicted. It was necessary to detain these girls in the district prisons awaiting the results of such an inquiry. Here they were locked up with the habitual drunkards, with the brazen women of the streets and other hardened offenders. As a result, the magistrates often disposed of cases without investigation as the lesser of two evils. The Committee brought about a change in the law which enabled the magistrates to commit such girls temporarily to some sheltering home or institution or place them on parole while the investigation was going forward. The law was also amended to allow the magistrates to place women convicted of prostitution other than Tenement House prostitution on probation or give them a suspended sentence.

It was not uncommon some years ago for a magistrate to commit a girl to certain of the various reformatory institutions on one night and three nights later to meet the same girl walking the streets. What happened was that the girl had adopted the simple expedient of 'raising Cain' at the institution, breaking dishes, yelling and shouting all night and in general making herself such a nuisance that her room became more desirable than her company, whereupon those in charge of the institution solved the difficult problem in a delightfully simple way by 'discharging' her for bad conduct. Why a larger number of girls did not discover this air-line method of release remains a mystery. This, however, is now a thing of the past, for the law has been so amended as to make impossible the discharge of a girl within six months after commitment, except with the consent of the magistrate who committed her. And even then there must be a written report from the superintendent of the institution setting forth the reasons for such recommendations. Nor is a release the only relief in such a situation. The magistrate may recommit the girl to another institution.

Reformative Treatment Extended

As the Women's Night Court developed, the need for proper reformative treatment for a large number of the girls and women grew. The magistrates were often at a loss to know what to do with the better class of girls.

Bedford State Reformatory for Women had approached the ideal in the handling of the reformable young women offenders. This reformatory was not generally known and appreciated and the magistrates not knowing it, were not using it to its full capacity.

The Committee organized a party of the magistrates and committee members to inspect the reformatory facilities offered by Bedford. The magistrates were much impressed and from then on sent so many convicted young women there that the institution was soon seriously embarrassed for lack of space to care for them all. The buildings became so crowded that girls were sleeping in the corridors, in the bathrooms and even the gymnasium had to be turned into a huge dormitory.

Bedford Reformatory Outgrows Its Buildings

The Committee's plan had worked too well. There was of necessity an impairment of the reformative work in such crowded conditions and there was great danger of the discipline breaking down. Something had to be done.

The Board of Managers requested from the legislature a modest appropriation for building new dormitories. The State examiners, admitting the imperative need, for reasons of economy recommended only $58,000, approximately one-third of the amount requested. This would in no way meet the need. The Board of Managers requested the help of the Committee. It was granted provided a request was made for sufficient funds to build the institution to its maximum limit compatible with the ideal reformative methods in vogue. Careful estimates were made and $500,000 was asked from the legislature.

The Committee Secures State Appropriation for New Buildings

The Committee waged a powerful campaign for the appropriation and so aroused the interest of public-

spirited citizens and the public in general that $414,000 was appropriated by the Legislature for the enlargement of the institution. This accomplishment was entirely due to the Committee's intensive work in its behalf. The buildings are now completed and the institution is able to handle a much larger number of girls yearly.

The Committee also introduced legislation which became law to prevent women from escaping commitment to Bedford Reformatory through the expedient of stating that they were over thirty years of age. This was an effective means of escaping commitment, for the magistrate was loath to take a chance of the woman's release on Habeas Corpus. A woman may now be committed to Bedford irrespective of her stated age.

In spite of all the agitation for better and more intelligent treatment of the women offenders, New York is still without a proper prison and detention home for women. The excellent work of the judges and the enlightened methods of reformation are only half way effective in the face of prison conditions that are a relic of barbarism. The Page Law of 1910 provided for the erection of a woman's court and detention home. The city took no action, however. An agitation was started for the building by a committee of prominent women and an appropriation of $450,000 was secured for its erection. In this building it was planned to house the court for women and the women's prison and detention home. All women offenders would then be taken charge of under one roof. With this equipment a rational and humanitarian plan for the treatment of women offenders could be developed.

It fell to the Committee's lot to make the survey necessary to draw the plans on a sound basis to meet the needs. The staff made a careful census of the female prison population. It calculated the necessary requirements for a proper detention home and court modeled on the most enlightened plan and with the architect worked out the floor plans for the building. Later considerable additions to the plans were made by others interested in the building. These added appreciably to its cost and made it impossible to erect the building within the appropriation. The Committee did not feel justified in supporting a request for an additional appropriation. It is hoped that a modification of the plans may be made so that this much-needed building may be erected.

The Domestic Relations Court

By the Page Law the establishment of the Domestic Relations Court was made possible. It is the 'divorce court of the poor'. To it come women in distress because of their husband's neglect to support them and their children. The stories they tell are generally sad, often sordid, and always pitiable. The poor women after days of privation and worry and with much trepidation come to this court as the last resort to mend the broken families and to get the bread and shelter for themselves and their children that are due them from their husbands.

Before the reorganization under the Page Law all these cases came up in the regular district courts where in the rush of the day's business they could be given no adequate attention. The poor women of necessity mingled with all the motley crowd of prostitutes,

drunks, pickpockets and the like that frequented these courts. The Page Law took these cases out of the district courts and provided for their hearing in a special court presided over by judges specially assigned to the Domestic Relations Court.

While of all the branches of the court work these courts furnish the most fruitful field for constructive work, the cases are also the most difficult to treat successfully. Seldom is the family breakdown due to the shortcomings of the man alone. Carelessness on the part of the woman, discouragement because of low wage, sickness and meddling relatives, one or all are commonly contributing factors that must be dealt with.

The volume of work grew so rapidly immediately upon the court's establishment that the machinery has become clogged and there is need of reorganization. The benefit of experience in other cities and a wide knowledge of conditions obtaining here is necessary for proper constructive work. These the Committee has sought to obtain.

The first was acquired when in 1915 a member of the Committee visited the Domestic Relations Courts of Philadelphia, Chicago, Pittsburgh and Cleveland to observe the way these cities handle the problem of non-supporting heads of families. A full written report of his findings has been submitted to the Committee.

The second it acquired by the assignment of a member of the staff specially to that work, who has made a careful survey of the actual operation of the Domestic Relations Court in Manhattan from the standpoints of law and procedure and social justice. Recommendations have been submitted to the Chief City Magistrate and the judges presiding in this court and have been

acted upon favorably. The member of the staff, an experienced case worker, was later assigned to the Court under the joint direction of the magistrates and the Committee to carry into effect the changes that had been agreed upon. Considerable progress has already been made in doing away with unnecessary hardships. The chief effort is in the direction of making the court procedure as easy as possible for these already worried and harassed women.

Some of the changes desired will require legislative enactments. In 1916 the Committee after very careful study drafted a proposed act materially reforming the administration of the Domestic Relations Court. It was introduced late in the legislative session and though the Committee hardly hoped to have it become a law in the 1916 session, it passed both branches of the state legislature but did not receive the approval of the Mayor.

The physical equipment of this court is thoroughly inadequate and must be remedied before the court can be well organized. The Committee with the Magistrates is seeking to get an appropriation for erecting a building in the neighborhood of the Children's Court. Often children of a family whose father is on probation in the Magistrates' Courts are on probation to officers in the Children's Courts. The contemplated change of location will enable these two closely related courts to better correlate their work with such families.

The Municipal Term Court

For some time the Secretary of the Committee, because of his familiarity with the administration of the city and state departments, had recognized to what a

great extent their effectiveness depended upon the sympathetic and intelligent cooperation of the courts. Without this the expensive machinery of such great departments as the Health Department, Tenement House Department, State Department of Labor and Fire Department would entirely break down in safeguarding the safety and health of the community. Such cooperation was difficult when inspectors were compelled to bring their complaints to the twenty or more district courts with as many different magistrates scattered throughout the city. Here their cases were tried along with a hundred or so other cases on a big calendar and much time was lost waiting for cases to come up. The laws governing these departmental violations are highly technical. A magistrate in a busy district court had not the time to acquaint himself thoroughly with these technicalities nor did the busy calendar allow him to give the cases the careful consideration they required.

After long deliberation and a careful survey of the field the Committee decided to seek legislation establishing a special court for the hearing of all the cases in which a city or state department is the complainant. The idea met with the warm approval of heads of city departments and of the majority of the magistrates.

The provision for the court was made one of the important features of the Committee's bill reorganizing the courts which was introduced in the 1914 legislature without success and which after a hard fight was finally successful in the 1915 session.

This legislation provided for a departmental court called the Municipal Term Court to be established at a central place for the trial of departmental violations.

Such a court is now established in the Municipal Building and has proven to be a greater success than had been hoped for even by its sponsors.

A certain day of the week is devoted to the work of each department. For example, Health Department cases are heard on Tuesday, Labor Law on Thursday, and so on. By this arrangement the inspectors are enabled to work uninterruptedly in the field excepting on the court day devoted to their particular department.

The innovation has worked for more effective administration of the law, the development of a fixed departmental policy, a saving of time to inspectors and citizens and a more enlightened judicial administration of these highly technical laws. A similar court has been established in Brooklyn.

Traffic Court

The Committee's legislation of 1915 in addition to providing for the establishment of a Municipal Term Court, gave the Board of Magistrates power to establish other special courts. Under this provision, the Traffic Court has been established in Manhattan. This court has proven a marked success in supporting the Police Department in handling the difficult traffic problems of the city.

Probation

It has long since been recognized that to commit a delinquent child to an institution often does him more harm than good. The value of setting a child right in his own home and neighborhood to grow up into good citizenship there is self evident. It is on this principle

that probation is founded. The probation officer is the good Samaritan of the court. He is a combined employment agency, minister, teacher and friend to the probationer. To be successful he must possess the qualities of tact, generous sympathy, forbearance and kindliness with a proper mixture of severity and authority. It is his duty to exercise helpful, constructive and authoritative supervision over those who are in his charge. His work is preventive in that he seeks to avoid further lapses into delinquency and is constructive in that he tries to lay the foundation for good citizenship in the life of his charge.

How the Committee has worked to secure the establishment and development of a probation system in the Children's Court will be discussed later under the Children's Court. This system which is proving so valuable in the handling of delinquent children also proves a great benefit to many who have been convicted in the adult courts. In the daily number of persons convicted of one offense or another in the Magistrates' Courts and the Court of Special Sessions there are many who should feel the authority of the court, but for whom a prison or reformatory commitment would be unjust and so harmful as to ruin possibly useful careers. The court may place such an individual under the supervision of a probation officer. To be effective this supervision must be authoritative, intelligent, constructive and sympathetic.

Previous to 1910 the probation officers were police officers assigned to the various magistrates in the capacity of personal attendants and confidential officers. Their work was in no proper sense probation work.

Probation Officers Appointed Through Civil Service

The Page Law provided for civilian officers appointed by the Board of Magistrates or justices and chief probation officers appointed by the chief city magistrate and by the Boards of Justices. The Committee, convinced that a better grade of officers could be obtained by Civil Service examination, united with other civic organizations and opposed legislation seeking to put them in the exempt class and by taking the matter up with the State Civil Service Commission were able to have the positions placed under Civil Service competitive rules. Members of the Committee assisted in the examination, and the staff helped in the organization of the new departments.

Increased Salaries for Probation Officers

Probation work requires high-grade persons as officers to be successful. Such persons cannot be obtained for a low salary with no possibility for advancement. The Board of Estimate fixed the salary for probation officers at $1,200. The Committee felt that this compensation with no chance for advancement would eventually drive the best officers from the service and discourage properly qualified persons from accepting appointment. It made a careful study of the work of probation officers in the Children's Court, the Magistrates' Courts and the Court of Special Sessions. This study gave ample justification for an increase in salary being granted these officers. The Committee conducted an arduous campaign with the Board of Estimate for the higher salaries and was successful in obtaining an increase of $300 a year to all officers then in service

who passed a satisfactory promotion examination, this increase, however, to be spread over a period of three years. The Committee suggested that the promotion to the higher grades of salary be given only to those who had qualified by passing a promotion examination. The Magistrates' Courts acted upon the suggestion, but it was only after the Board of Estimate threatened to withhold the increases that the Court of Special Sessions, which then also had jurisdiction over the Children's Court, was induced to act in the same manner and request the Civil Service Commission to hold an unofficial promotion examination. The Committee stood firmly for this method of promotion. The spirit of healthful rivalry that has been developed among probation officers has since justified this action. The three years are now completed and all the officers then in office who have fulfilled the requirements are now receiving the higher salaries.

Since this was accomplished the bureau of standards of the Board of Estimate has fixed the standard grades for probation officers' salaries. This standard provides for a salary range of $1,200 to $1,560 for the position of probation officer, and for the position of senior probation officer with salary of from $1,680 to $2,160. Above this are the positions of deputy chief probation officers at from $2,340 to $2,820, and the chief probation officer with salary ranging from $3,060 to $4,140. The higher positions are filled by promotion examination so there is incentive to good work and a reason for following probation as a profession. These grades were not arrived at by the Bureau of Standards without strong representation from the Judges, the Committee and others urging the necessity of providing

salaries sufficiently attractive to induce competent people to accept appointment.

The Central Probation Bureau Established

Under the old régime of police probation officers in the Magistrates Courts, individuals were assigned as attachés to the various courts, only reporting occasionally to the central office. This plan was handed down to the new organization. With such a system there could be no real supervision or uniform standards of work. It was not economical on the administrative side and was not fair to the officers. One court might have five probation cases to another's one. This resulted in some officers having two hundred cases while other officers had not more than twenty-five. In accordance with recommendations made by the Commissioner of Accounts, the Chief City Magistrate of the First Division established a probation bureau in connection with his office and caused all officers to report there and receive their assignments of investigation work and probation cases. Thus the chief probation officer was enabled to divide the work up evenly among his officers and the officers could spend their days in the field instead of staying in court until three in the afternoon waiting for cases to come up.

The Committee lent its wholehearted support in this matter and helped as much as possible in the organization of the bureau.

The Manhattan bureau commended itself so favorably to the tax budget committee of the Board of Estimate that when the budget for 1915 for the courts of the then Second Division came up for discussion they asked the chief magistrate of that division for an estimate of the requirements for the establishment of a similar bureau in Brooklyn. The Committee offered its aid and, cooperating with the Acting Chief Magistrate of that Division, worked out a plan for Brooklyn based on the experience of the Manhattan Probation Bureau.

The plan was adopted by the Board of Estimate and despite severe opposition, even to the extent of an appeal to the higher courts, is still in vogue, though this opposition and the changes due to the Committee's bill merging the two divisions under one chief has delayed a proper organization under the centralized system. The Committee is cooperating in reorganizing the probation department under one chief. The Committee is at present devoting much effort to studying the system in order to be of help to the Chief Probation Officer in the establishment of a thoroughly well-equipped and well-organized probation bureau.

Children's Court

Practically as soon as the Committee was organized, it made a study of the Children's Court then organized as part of the Court of Special Sessions. The court was in its formative stage. Practically all that had been done up to this time was to secure the hearing of children's cases in a separate court apart from adults. The judges of the Court of Special Sessions rotated in the court, each spending two months in the Children's Court and then returning to adult work. This made it difficult for the judges to follow cases of children through their court history, and precluded the possibility of a judge developing the point of view of regarding a child as in need of the care and protection of the state, rather than as a criminal.

Special Judges Assigned to Children's Court Work

The Committee finally succeeded in inducing the Chief Justice of the Court of Special Sessions to assign four judges for continuous service in the Children's Court. This was a great step in advance.

It was a long time before the value of probation in children's cases was recognized. Before 1912 there were no paid probation officers.

At the present time sixty-five per cent. of the children adjudged delinquent or without proper guardianship in the Children's Court are placed on probation and fifty-one probation officers are attached to these courts.

Such probation work as was done before 1912 was carried on by volunteer organizations. Much good work was done but there was no fixed responsibility to the court. This lack of official responsibility and the danger of regarding gratuitous service as secondary are the fundamental weaknesses of all volunteer work.

Developing the Probation System

We have seen how the Page Law provided for official probation officers and how the Committee worked to secure the appointment of paid probation officers under Civil Service rule in all the courts.

When the Committee was organized, the Children's Court offered a ready field for the immediate development of this important work. Consequently, during the summer of 1912, the Committee secured the services of Mr. Henry W. Thurston, who had organized the probation work in the Chicago Children's Court, to spend a summer in the New York court to organize

the probation system and court record system. In the meantime probation officers had been appointed from the Civil Service list and had begun service in the Children's Court. Mr. Thurston worked out with great care a scheme of records and organized the system which is the foundation of the present probation service. Since this original service the Committee has kept closely in touch with the development of this work. From time to time it has been privileged to make further suggestions relative to the record system and the probation organization.

A More Complete Children's Court Report

Because of the completeness of the records in the Children's Courts, the Committee felt that they contained much valuable information that should be presented to the public in the report of the court. At the end of 1913 it was suggested to the chief clerk of the Court of Special Sessions then in charge of the Children's Court work, that such a report be made. He responded cordially to the idea but was handicapped by lack of assistance and suggested that the Committee make this first more complete report. The Committee gladly accepted the opportunity to do this service. The staff, after careful study of children's court reports from all parts of the country and from abroad, submitted an outline for what at that time seemed to them to be a good report. The outline was accepted and the staff compiled the statistics and illustrated the most important facts by graphic representation. It was published as the official report of the court.

At the end of 1913 the Probation Department with salaried officers had been functioning for nearly two

years. The Committee made a study of the work that the probation officers were doing and published it in a monograph, 'Probation in the Manhattan Children's Court'. This report was a tribute to the effective work that was being accomplished by the officers with the children. It pointed out some of the more important defects of the system which were largely due to the inadequacy of the staff and suggested means and method of improvement in the service. It was received as a friendly constructive criticism of the probation work by the judges and the probation officers. They were able to use to advantage some of the suggestions made not only to improve the character of the work but in securing additional funds and help for the department.

As has been stated, in 1912 the Committee prevailed upon the then reluctant chief justice of the Court of Special Sessions to assign special judges to devote their services exclusively to the work in the Children's Court. Even under this modified arrangement, the Children's Court was still under the authority of a board of justices the majority of whom sat in adult courts and the administration was hopelessly complicated with that of the adult courts. The probation officers of the Children's Court were under the authority of a chief who devoted most of his time to adult work. Other phases of the work were equally discouraging to the best development of the court.

The Children's Court Separated from the Adult Courts

Although the four judges assigned to the Children's Court work were in a way responsible for its administration they did not have any authority over the officials of the court. The administration was entirely under the control of the adult court. It became apparent that the continuation of such a system would make impossible any great progress. The Committee recognized this as far back as 1912 when it considered legislation to separate the Children's Court from the Adult Court. In 1914, when legislation was considered for reorganizing the entire inferior courts system, the separation of the Children's Court from the adult court was one of the four important parts of the Committee's bill. As soon as proposed, it received the unanimous support of practically all interested in the Children's Court. However, the bill as a whole did not pass the legislature until 1915.

This bill which became effective July 1, 1915, entirely changed the administration of the Children's Court. It made it a separate division with complete authority for its administration, vested in its board of five justices appointed by the Mayor. It gave these courts a chief clerk, a chief probation officer and a separate probation administration under its own chief probation officer.

It would be difficult to measure the growth and development of the Children's Court under this changed system. It is not too much to say after two years of the administration under the re-organization that the Children's Court has gone forward in such an amazing way that it may be regarded now as the foremost Children's Court in the United States.

Immediately upon the reorganization, the Committee set to work with the presiding justice and board of justices of the Children's Court and the administrative

officers to help reorganize the court under the new law. The probation work had to be readjusted under a chief of its own. At the request of the chairman of the probation committee of the Board of Justices the Committee submitted a memorandum of suggestions for the organization of the probation department. These were largely incorporated in the rules governing the probation department of this court, which have since been printed.

The Old Children's Court Building Inadequate

When the Children's Court was first established, it was housed in the old Department of Charities Building at 11th Street and Third Avenue. This building was wholly unfit for the court. It was an old worn-out building in a noisy locality, very unsanitary and entirely lacking in arrangements of space and other facilities for the proper carrying on of a children's court. The great volume of business added to the disorder and unpleasantness. Soon after the court's establishment Judge Hoyt and Judge Deuel had started a movement for a new building. One hundred and fifty thousand dollars was granted by the Board of Estimate for that purpose. It was proposed to build the building on the old site. At this time the Committee was just beginning its activities. It studied the situation and suggested that the site was too noisy and after thorough canvass of the situation a lot belonging to the old City College situated on 22nd Street near Lexington Avenue was finally obtained.

The Committee made a detailed study of the needs of the Children's Court building to provide for the development of the work in accordance with the best modern scientific methods and thought.

It put the results of this study at the disposal of the architects and watched very carefully the development of the plans and building until its completion.

The result is most satisfactory.

The New Building

The new building was formally opened and dedicated January 25, 1916. It cost $235,000. The design of the architects, the careful planning of the justices, city officials and the Committee gave it a simple beauty and appropriateness of arrangement that will impress upon children and parents the dignity and kindliness of justice.

Let us follow a child through the building and see what it means to him. Suppose that Tony is brought in the big van of the Society for the Prevention of Cruelty to Children and deposited with others at the sheltered side entrance designed for his reception. He is then taken to the detention room, a large sunny room of southern exposure, finished entirely in tile for sanitary reasons. The room is really a large children's playroom.

Shortly before Tony's case is reached he is taken down to a small anteroom adjoining the court room. From this he is led across a hall, protected from public view, into the court room at the left of the bench. No one is here except the judge, presiding in his robe on a slightly raised platform, the stenographer, other necessary court officials, Tony's parents, the complainant and anyone else particularly interested in Tony's welfare. This arrangement, while impressing the child

with the dignity of the court, still avoids unnecessary shame in some cases and the satisfaction of brazen pride in others, occasioned by a baldy public hearing. There are four benches for the public, but they are never occupied by the morbidly curious.

Tony's case is heard and he is found guilty of the specific offense charged. But the judge wants further facts. The probation officer is asked to make an investigation and Tony is allowed to go home with his mother to return in a day or two.

Tony and his mother leave the court room without going through the waiting room. When they again come they are taken into the judge's chambers, 'the heart of the court', where they meet the same judge. He is sitting at a table without his robe, with no one but the stenographer and the probation officer present. The case is talked over carefully. The judge learns that Tony has no stealing habits but that he was induced by a gang of older boys to go on this one exploit. He has never been in court before. He is therefore placed on probation, and the probation officer takes him and his mother up by the elevator to the probation rooms, where they talk the matter over all by themselves.

Tony is instructed to report on certain days to the court. He is thereafter received in a place conveniently located for these interviews.

This is but an instance showing how well the building is adapted to the needs of the thousands of cases yearly passing through the court.

We have followed through and sketched in large outlines the main fields of the Committee's activities and accomplishments. It is impossible to give any thoroughly complete account of the work without becoming tedious. The staff is busy daily on some one or another of the many things on its calendar of 'Things To Do'. One day it is busy with the probation department of the Children's Court, the next week its activities may of necessity be entirely devoted to study of plans for a proposed building. Again it may be compelled by watchful, persistent effort to prevent the establishment of that which has been discarded as open to serious political abuses. It may be necessary to conduct an extensive investigation into the effect of certain court practices in order to have the convincing argument of statistical facts to prove the necessity of a legislative change. It all takes careful, thoughtful, persistent and devoted service. The Committee seeks to render that kind of service and believes it is succeeding.

If the results that have been accomplished in the improvement of these courts through the work of the Committee seem fruitful it is due largely to the degree of cooperation which the Committee has been able to secure from the public officials charged with responsibility in these matters. The results have been due far more to the work of these officials than to the Committee or its staff and the Committee deeply appreciates the continuance of these cordial, sympathetic and cooperative relations.

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APRIL, 1918

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